

SECTION 00900

FUNDING AGENCY SPECIAL PROVISIONS FOR MONTANA PUBLIC FACILITY PROJECTS

This section supplements the Montana Public Works Standard Specifications, Division 0. The Standard General Conditions of the Construction Contract must be replaced with the Standard General Conditions of the Construction Contract Funding Agency Edition.

This section includes supplemental general conditions that are required by Montana public facility funding programs or agencies listed in 1.01 below and are not included in the Montana Public Works Standard Specifications, Division 0.

ARTICLE 1. Special Provisions

1.01 Funding Agencies

This project is being funded with funds from one or more of the following public facility funding programs or agencies:

Renewable Resource Grant and Loan Program (RRGL)
Treasure State Endowment Program (TSEP)
United States Department of Agriculture Rural Development (USDA/RD)
Community Development Block Grant Program (CDBG)
Drinking Water or Water Pollution Control State Revolving Fund Loan Program (SRF)

1.01.1 Applicable Funding Agency Special Provisions

In addition to Section 1.02 below, the following sections also apply as indicated:

_____ Section 1.03 (Additional USDA/RD Requirements)
_____ Section 1.04 (Additional CDBG Requirements)
_____ Section 1.05 (Additional SRF Requirements)

1.02 Special Provisions for All Funding Agencies

The following requirements pertain to all of the funding programs or agencies listed in 1.01 above. If project funding sources include any of the programs or agencies listed, the following general requirements must be met in addition to those required in the Montana Public Works Standard Specifications, Division 0:

1.02.1 Reports, Information, and Access to Records

The contractor, at such times and in such form as required by the owner (defined herein as the entity for which the project is being constructed) shall furnish reports pertaining to the work or services undertaken pursuant to this contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this contract.

The owner and any federal, state or local governmental agency having a valid interest in this project shall be permitted by the contractor to have full access to and the right to examine pertinent documents of the contractor involving transactions related to this contract during the period of the project and for three (3) years from the date of final payment or until all findings have been resolved to the satisfaction of the funding agencies.

1.02.2 Contractor Eligibility and Certification Regarding Debarment

The contractor certifies that the contractor's firm and the firm's principals are not debarred, suspended, or otherwise ineligible to receive any Montana public works contracts or subcontracts pursuant to 18-2-432 (2), MCA.

For federally funded projects, the contractor certifies that the contractor's firm and the firm's principals are not debarred, suspended, voluntarily excluded, or otherwise ineligible for participation in federally assisted contracts under Executive Order 12549, "Debarment and Suspension" (24 CFR 24.505).

1.02.3 Contractor Registration and Worker's Compensation Requirements

Title 39, Chapter 9, Parts 1 and 2 MCA stipulate contractor registration requirements for the State of Montana. Pursuant to 39-9-201 MCA, each construction contractor must be registered with the Montana Department of Labor and Industry. In accordance with 39-9-102 MCA, "construction contractor" means a person, firm, or corporation that, in the pursuit of an independent business, offers to undertake, undertakes, or submits a bid for construction.

No bid shall be considered that does not carry the bidder's Montana Contractor's Registration Number on the bid form.

Registration forms and additional information may be obtained by contacting the Montana Department of Labor and Industry, 1805 Prospect Ave., P.O. Box 8011, Helena, MT 59604-8011, or by calling 406-444-7734.

The contractor must provide certification that workers' compensation insurance will be maintained as required by the Montana Workers' Compensation Act (39-71-101 MCA).

1.02.4 Minimum Wage Requirements

Unless superseded by federal law, 18-2-401 MCA and 18-2-402 MCA require that each employer pay, as a minimum, the rate of wages, including fringe benefits and zone pay applicable for the work being performed, as provided in the current Montana Prevailing Wage Requirements as determined by the Montana Department of Labor and Industry.

The current wage determination must be included in the contract documents.

If the CDBG Program is funding the project in whole or in part, federal law requires that each employer pay, as a minimum, prevailing wages in accordance with the Federal Labor Standards Provisions (Davis-Bacon).

HUD Form 4010-Federal Labor Standards Provisions (Exhibit A) must be included in the contract documents for projects being funded in whole or in part by the CDBG Program.

1.02.5 Compliance With State and Federal Laws and Regulations

All applicable laws, ordinances, rules and regulations of authorities having jurisdiction over construction of the project shall apply to the contract throughout.

The contractor must comply with all applicable state and federal occupational disease and health and safety laws and regulations.

1.02.6 Project Sign

All projects will have a sign erected at a prominent location near the major portion of the work in plain view of the general public prior to submittal of the first pay estimate. The sign will generally conform to the following:

“The CONTRACTOR, or such contractor as the ENGINEER may designate, when construction begins, shall erect a sign constructed of 4'X8'X $\frac{3}{4}$ " exterior plywood (A-B) and shall be supported by and bolted to two (2) 4"X4" posts with the bottom of the sign at a point at least two (2) feet above the ground line. The project sign shall be maintained in a good condition until project completion.

The sign will be edged, painted and lettered as shown on Exhibit B. The letters shall be approximately three (3) inches in height.

The cost of the sign is incidental to the contract price. The sign shall remain the property of the owner.

A statement indicating all agencies participating in the financing of the project shall be included on the sign. The sign shall be subject to agency approval prior to being erected.

1.02.7 Gross Receipts Withholding Requirements

Pursuant to Section 15-50-206(2)(3), MCA, the owner is required to withhold one percent (1%) of all payments due the contractor and is required to transmit such moneys to the Montana Department of Revenue as part of the public contractor's license fee. In like fashion, the contractor is required to withhold one percent (1%) from payments to subcontractors.

1.02.8 Exceptions or Corrections to the Standard General Conditions of the Construction Contract Funding Agency Edition

Replace Paragraph 18.08.A with the following:

If this Contract exceeds \$100,000, Contractor shall comply with all applicable standards, orders or requirements issued under Section 306 of the Clean Air Act (42 USC 1857(h)); Section 508 of the Clean Water Act (33 USC 1368); Executive Order 11738; and Environmental Protection Agency Regulations (40 CFR Part 15).

1.03 Additional Special Provisions for USDA/RD

- 1.03.1 The following documents shall be attached to and made a condition of the contract documents for any project funded, in whole or in part, by Rural Development:

If the bid amount exceeds \$10,000, signed Compliance Statement (RD 400-6). Refer to specific equal opportunity requirements set forth in paragraph 18.10 of the General Conditions;

If the bid amount exceeds \$25,000, signed Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions (AD-1048); and

If the bid amount exceeds \$100,000, signed RD Instruction 1940-Q, Exhibit A-1, Certification for Contracts, Grants, and Loans. Refer to paragraph 18.11 of the General Conditions.

1.03.2 Free and Open Competition

All procurement transactions will be conducted in a manner that provides maximum free and open competition. Examples of what are considered to be restrictive of competition include but are not limited to: employment preferences to Montana Bidders or Montana Contractors and Montana residents.

1.03.3 Contractor's Retainage

No payments will be made that would deplete the retainage nor place in escrow any funds that are required for retainage or invest the retainage for the benefit of the contractor.

1.04 Additional Special Provisions for CDBG

1.04.1 Equal Employment Opportunity Provisions

1.04.1.A Equal Employment Opportunity (Executive Order 11246). During the performance of this contract, the Contractor agrees as follows:

- i. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection of training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- ii. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- iii. The contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Department's contracting officer advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- iv. The contractor will comply with all of the provision of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- v. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records and accounts by the Department and the Secretary of Labor for purposes of

investigation to ascertain compliance with such rules, regulations and orders.

- vi. In the event of the contractor's noncompliance with the non-discrimination clauses of this contract or with any of such rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rules, regulations, or order of the Secretary of Labor, or as otherwise provided by law.
- vii. The contractor will include the provisions of paragraphs 1 through 7 in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that each provision will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the contractor becomes involved in or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Department, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

1.04.1.B Title VII of the Civil Rights Act of 1964. Provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

1.04.1.C Section 109 of the Housing and Community Development Act of 1974. "No person in the United States shall on the ground of race, color, national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity."

1.04.1.D Section 3 of the Housing and Community Development Act of 1968. The contractor will ensure that to the greatest extent feasible opportunities for training and employment arising in connection with this CDBG-

assisted project will be extended to project area residents. Further, the contractor will, to the greatest extent feasible, utilize business concerns located in or substantially owned by residents of the project area, in the award of contracts and purchase of services and supplies.

1.04.1.E Minority Business Enterprise. Under the provisions of Executive Order 11246 contractors on federally-funded projects are required to take affirmative steps to assure that minority businesses are used when possible as sources of supplies, equipment, construction and services. Additionally, the contractor must document all affirmative steps taken to solicit minority businesses and forward this documentation along with the names of the minority subcontractors and suppliers to the owner upon request.

1.04.1.F Nondiscrimination Provision in all Public Contracts Pursuant to Section 49-3-207, MCA, the Contractor certifies that all hiring will be on the basis of merit and qualifications and there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin.

1.04.2 Uniform Federal Accessibility Standards (UFAS)

All design specifications for the construction of any building shall provide access to the physically handicapped in accordance with the Uniform Federal Accessibility Standards and HUD regulations 24 CFR Part 8, "Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of HUD".

1.05 Additional Special Provisions for SRF

1.05.1 Equal Employment Opportunity and Affirmative Action Requirements on Federally Assisted Construction Contracts

NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Goals for minority participation in each trade _____

Goals for female participation in each trade _____

These goals are applicable to all the contractor's construction work (whether or not it is Federal or Federally assisted) performed in the covered area. If the contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and nonfederally involved construction.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from contractor to contractor or from project to project for the sole purpose of meeting the contractor's goals shall be a violation of the contract, the Executive Order, and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number for the subcontractor; employer identification number of the subcontractor, estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed (see form on the following page).

4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is

_____.

CONTRACTOR'S NAME, ADDRESS & TELEPHONE NUMBER

Return to:
USDOL/ESA/OFCCP
Denver District Office
1999 Broadway-Suite 1177
P.O. BOX 46550
Denver, CO 80201-6550

CONTRACTOR' EMPLOYER ID NUMBER: _____

CONTRACT INFORMATION

PROJECT AND LOCATION:				
Dollar Amount of Contract	Estimated Start Date	Estimated Completion Date	Contract No.	Geographical Area

NOTIFICATION OF SUBCONTRACTS AWARDED (>\$10,000)

Subcontractors Name, Address, & Phone Number	Employer ID Number of Subcontractor	Estimated \$ Amount of Subcontract	Estimated Start Date	Estimated Completion Date

1.05.2 Guidance for Utilization of Small, Minority and Women Business Enterprises Requirements of 40 CFR 35.3145(d)

A. REQUIREMENTS

1. The recipient and prime contractor will exercise good faith efforts to attract and utilize small, minority, and women's business enterprises primarily through outreach, recruitment, and race/gender neutral activities. At a minimum, the recipient and project bidders will follow the six affirmative steps below:

- a. Including small, minority and women's businesses on solicitation lists;
- b. Assuring that small, minority and women's businesses are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by small, minority and women's businesses;
- d. Establishing delivery schedules, when the requirements of the work permit, which will encourage participation by small, minority and women's businesses;
- e. Using the services of the Small Business Administration and the Office of Minority Business Enterprise of the U.S. Department of Commerce, as appropriate; and
- f. Require a. through e. to be taken if subcontracts are awarded.

B. FAIR SHARE OBJECTIVE

1. The fair share objective for this project is _____%MBE's and _____% WBE's.

C. DEFINITIONS

1. Minority Business Enterprise (MBE) is a business concern which is:

- a. Certified as socially and economically disadvantaged by the Small Business Administration;
 - (1) Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.
 - (2) Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system is impaired due to diminished capital and credit opportunities, as compared to others in the same business area who are not socially disadvantaged. In determining the degree of diminished credit and capital opportunities, the Small Business Administration shall consider, but not be limited to, the assets and net worth of such socially disadvantaged individuals. Individuals who certify that they are members of named groups (Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans), are to be considered socially and economically disadvantaged. Economically and socially disadvantaged individuals are deemed to include women.
- b. Certified as a minority business enterprise by a State or Federal agency; or
- c. An independent business concern which is at least 51 percent owned and controlled by minority group member(s).
 - (1) A minority group member is an individual who is a citizen of the United States and one of the following:
 - (a) Black American;
 - (b) Hispanic American (with origins from Puerto Rico, Mexico, Cuba, South or Central America)
 - (c) Native American (American Indian, Eskimo, Aleut, native Hawaiian); or

(d) Asian-Pacific American (with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, Taiwan or the Indian subcontinent).

(2) In order to satisfy this third criteria of the MBE definition, the minority ownership's interest must be real, substantial and continuing. Such interest is characterized by:

(a) Risk of loss/share of profit commensurate with the proportional ownership;
and

(b) Receipt of the customary incidents of ownership, such as compensation (i.e. salary and other personnel compensation).

(3) A minority owner must have and exercise control of the business decisions. Characteristics of control include, but are not limited to:

(a) Authority to sign bids and contracts;

(b) Decisions in price negotiations;

(c) Incurring liabilities for the firm;

(d) Final staffing decisions;

(e) Policy-making; and

(f) General company management decisions.

(4) Only those firms performing a useful business function according to custom and practice in the industry, are qualified as MBEs. Acting merely as a passive conduit of funds to some other firm where such activity is unnecessary to accomplish the project does not constitute a "useful business function according to custom and practice in the industry." The purpose of this approach is to discourage the use of MBE "fronts" and limit the creation of an artificial supplier and broker marketplace.

2. Women's Business Enterprise (WBE) is a business which is certified as such by a State or Federal agency, or which meets the following definition:

"A women's business enterprise is an independent business concern which is at least 51 percent owned by a woman or women, who also control and operate it. Determination of whether a business is at least 51 percent owned by a woman or otherwise qualified WBE which is 51 percent owned by a married woman in a community property State will not be disqualified because her husband has a 50 percent interest in her share. Similarly, a business which is 51 percent owned by a married man and 49 percent owned by an unmarried woman will not become a qualified WBE by virtue of his wife's 50 percent interest in his share of the business."

As in the case of a MBE, only United States citizens will be deemed to be WBEs. Similar to the MBE criteria, WBE should meet the criteria cited in subparagraphs C.1.c.(2), (3), and (4).

3. Fair Share or Fair Share Objective A fair share or a fair share objective is an amount of funds reasonably commensurate with the total project funding and the availability of qualified MBEs and WBEs, taking into account experience on EPA-funded projects and other comparable projects in the area. A fair share objective does not constitute an absolute requirement, but a commitment on the part of the bidder to exercise good faith *efforts* as defined in this section to use MBEs and WBEs to achieve the fair share objective.

4. Small Business (SBE). Any business entity, including its affiliates, that is independently owned and operated, and not dominant in its field of operations in which it is bidding on Government contracts, and qualified as a small business under the criteria and size standards set forth in 13 CFR Part 121.

5. Small Business in a Rural Area. A small business in a rural area (SBRA) is a business entity meeting the definition of a small business, and is located and conducts its principal operations in a geographical area (county) listed in the Small Business Administration's Listing of Non-Metropolitan Counties by State.

6. Recipient. A party receiving SRF financial assistance.
7. Project. The work financed through an SRF loan.
8. Bidder. A party seeking to obtain a contract with a recipient through a competitive, advertised, sealed bid process.
9. Offeror. A party seeking to obtain a contract with a recipient through a negotiative procurement process.
10. Prime Contractor. A party that has obtained a contract with a recipient through a competitive, advertised, sealed bid process.
11. Good Faith Efforts. Good faith efforts by a recipient, prime contractor, and/or bidder/Offeror means efforts to attract and utilize SBEs, MBEs, and WBEs primarily through outreach, recruitment, and race/gender neutral activities. The following are examples of activities to assist recipients, prime contractors and/or bidders/offerors to comply with good faith efforts.

A. Include qualified SBEs, MBEs, and WBEs on solicitation lists.

1. Maintain and update a listing of qualified SBEs, MBEs, and WBEs and SBRAs that can be solicited for supplies, construction and/or services.
2. Provide listings to all interested parties who requested copies of the bidding or proposing documents.
3. Contact appropriate sources within your geographic area and State to identify qualified MBEs and WBEs for placement on your minority and women's business listings.
4. Utilize other MBE/WBE listings such as those of the State's Minority Business Office, the Small Business Administration, Minority Business Development Agency, US EPA-Office of Small and Disadvantaged Business Utilization (OSDBU) and the Department of Transportation.
5. Have the State environmental agency personnel review this solicitation list.

B. Ensure that SBEs, MBEs, and WBEs are solicited.

1. Conduct meetings, conferences, and follow-ups with SBEs, MBEs, WBEs, and SBRAs, small, minority and/or women's business associations, minority media, etc., to inform these groups of opportunities to provide supplies, services, and construction.
2. MBE Utilization is facilitated if the recipient or prime contractor advertise through the minority media. Such advertisements may include, but are not limited to, contracting and subcontracting opportunities, hiring and employment, or any other matter related to the project.
3. Conduct pre bid, pre-solicitation, and post-award conferences to ensure that consultants, suppliers, and builders solicit SBEs, MBEs, WBEs, and SBRAs.
4. Provide bidders and offerors with listings of qualified SBEs, MBEs, WBEs, and SBRAs and establish that a fair share of contracts/procurements should be awarded to these groups.
5. Advertise in general circulation, trade publications, State agency publications of identified source, minority or women's business focused media, etc., concerning contracting opportunities on your projects.

Maintain a list of minority or women's business-focused publications that may be utilized to solicit MBEs or WBEs.

6. Provide interested SBEs, MBEs, WBEs, or SBRAs with adequate information about plans, specifications, timing and other requirements of the proposed projects.
7. Provide SBE, SBRA, MBE or WBE trade organizations with succinct summaries of solicitations.
8. Notify SBEs, MBEs, WBEs, or SBRAs of future procurement opportunities so that they may establish bidding solicitations and procurement plans.

C. Divide total requirements when economically feasible, into small tasks or quantities to permit maximum participation of SBEs, MBEs, WBEs and SBRAs.

1. Perform an analysis to identify portions of work that can be divided and performed by qualified SBEs, MBEs, WBEs and SBRAs.
2. Scrutinize the elements of the total project to develop economically feasible units of work that are within the bonding range of SBEs, MBEs, WBEs and SBRAs.
3. Analyze bid packages for compliance with the good faith efforts to afford SBEs, MBEs, WBEs and SBRAs maximum participation.

D. Establish delivery schedules, where requirements of the work permit, which will encourage participation by SBEs, MBEs, WBEs and SBRAs.

1. Consider lead times and scheduling requirements often needed by SBE, MBE, WBE or SBRA participation.
2. Develop realistic delivery schedules which may provide for greater SBE, MBE, WBE or SBRA participation.

E. Use the services and assistance of the Small Business Administration and the Minority Business Development Agency of the US Department of Commerce, as appropriate.

1. Use the services of outreach programs sponsored by the Minority Business Development Agency and/or the Small Business Administration to recruit bona fide firms for placement on SBEs', MBEs', WBEs', or SBRAs' bidders lists to assist these firms in the development of bid packaging.
2. Seek out Minority Business Development Centers (MBDCs) to assist recipients and prime contractors in identifying MBEs for potential work opportunities on this project.

D. REPORTING

1. Bidders/offerors shall demonstrate compliance with good faith efforts in order to be deemed responsible. Demonstration of compliance may include completing the "MBE/WBE Subcontractor Solicitation Sheet". However, the recipient may specify other methods of demonstrating compliance.

MBE/WBE SUBCONTRACTOR SOLICITATION INFORMATION						
Name, Address & Phone No. of Subcontractor Contacted	Date Request for Quote Sent	Description of Work Offered	Date of Phone Follow-up & Person Contacted	Amount of Quote or Reason for Not Quoting*	Quote Accepted? If not, list reason for rejection	Indicate MBE, WBE, or other Subcontractor

* - Use additional sheets if necessary.

The undersigned hereby certifies that the above information
is true and correct:

Contractor:_____

By:_____

Signature

Title

Date:_____

1.05.3 Certification Regarding Debarment, Suspension and Other Responsibility Matters

A. INSTRUCTIONS

Under Executive Order 12549, an individual or organization debarred or excluded from participation in Federal assistance or benefit programs may not receive any assistance award under a Federal program, or a subagreement thereunder for \$25,000 or more. The status of prospective individuals or organizations can be checked at:

<http://epls.arnet.gov/>

A prospective prime contractor must submit a completed certification (see form on the following page) or explanation to the project owner for the project. Each prospective subcontractor must submit a completed certification or explanation to the prime contractor for the project.

B. HOW TO OBTAIN FORMS

Additional forms may be obtained from the State or may be reproduced.

SRF Project Number

United States Environmental Protection Agency
Washington, DC 20460

**Certification Regarding Debarment, Suspension, and
Other Responsibility Matters**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Typed Name & Title of Authorized Representative

Signature of Authorized Representative

Date

_____ I am unable to certify to the above statements. My explanation is attached.

1.05.4 Williams-Steiger Occupational Safety and Health Act of 1970

A. AUTHORITY

(1) The contractor is subject to the provisions of the Williams-Steiger Occupational Safety and Health Act of 1970.

(2) These construction documents and the joint and several phases of construction hereby contemplated are to be governed, at all times, by applicable provisions of the Federal law(s) , including but not limited to the latest amendment of the following:

a. Williams-Steiger Occupational Safety and Health Act of 1970, Public Law 94-596;

b. Part 1910 - Occupational Safety and Health Standards, Chapter XVII of Title 29, Code of Federal Regulations;

c. Part 1926 - Safety and Health Regulations for Construction, Chapter XVII of Title 29, Code of Federal Regulations.

B. SAFETY AND HEALTH PROGRAM REQUIREMENTS

(1) This project, its prime contractor and its subcontractors, shall at all times be governed by Chapter XVII of Title 29, Code of Federal Regulations, Part 1926 - Safety and Health Regulations for Construction (29 CFR 22801), as amended to date.

(2) To implement the program and to provide safe and healthful working conditions for all persons, general project safety meetings will be conducted at the site at least once each month during the course of construction, by the construction superintendent or his/her designated safety officer. Notice of such meeting shall be issued not less than three (3) days prior, stating the exact time, location, and agenda to be included. Attendance by the owner, architect, general foreman, shop steward(s), and trades, or their designated representatives, witnessed in writing as such, shall be mandatory.

(3) To further implement the program, each trade shall conduct a short gang meeting, not less than once a week, to review project safety requirements mandatory for all persons during the coming week. The gang foreman shall report the agenda and specific items covered to the project superintendent, who shall incorporate these items in his/her daily log or report.

(4) The prime contractor and all subcontractors shall immediately report all accidents, injuries, or health hazards to the owner and architect, or their designated representatives, in writing. This shall not obviate any mandatory reporting under the provisions of the Occupational Safety and Health Act of 1970.

(5) This program shall become a part of the contract documents and the contract between the owner and prime contractor, prime contractor and all subcontractors, as though fully written therein

1.05.5 Construction Site Erosion and Sediment Control Measures

Every effort shall be made by the contractors and subcontractors to prevent and correct problems associated with erosion and runoff processes which could occur during and after project construction. The efforts should be consistent with applicable local ordinances, the EPA Nonpoint Source Pollution Control Guidance and Department of Environmental Quality Stormwater Management Plan.

Wherever appropriate, the contractor's efforts shall reflect the following engineering principles:

1. When appropriate, land grading and excavating should be kept at a minimum to reduce the possibility of creating runoff and erosion problems which require extensive control measures.
2. Whenever possible, topsoil should be removed and stockpiled before grading begins.
3. Land exposure should be minimized in terms of area and time.
4. Exposed areas subject to erosion should be covered as quickly as possible by means of mulching or vegetation.
5. Natural vegetation should be retained whenever feasible.
6. Appropriate structural or agronomic practices to control runoff and sedimentation should be provided during and after construction.
7. Early completion of stabilized drainage systems (temporary and permanent systems) will substantially reduce erosion potential.
8. Roadways and parking lots should be paved or otherwise stabilized as soon as feasible.
9. Clearing and grading should not be started until a firm construction schedule is known and can be effectively coordinated with the grading and clearing activity.

1.06 Exhibits